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RHMFIUU/TSA HQ WASHINGTON DC

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SIPDIS

STATE FOR EEB/TRA/OTP (BRIAN SILER)

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E.O. 12958: N/A

TAGS: [EAIR](#) [PGOV](#) [PTER](#) [KTIA](#) [PREL](#) [JM](#) [XL](#)

SUBJECT: JAMAICA: DIPNOTE RE FEDERAL AIR MARSHAL
SERVICE REQUEST

REF: (A) 07 STATE 7834 (221953Z JAN 07)
(B) KINGSTON 13 (072054Z JAN 08)
(C) KINGSTON 329 (171911Z APR 08)
(D) STATE 84402 (061607Z AUG 08)
(E) KINGSTON 709 (081444Z AUG 08)
(F) KINGSTON 739 (221848Z AUG 08)

¶1. Post has received the following diplomatic note from the Government of Jamaica (GoJ)'s Ministry of Foreign Affairs and Foreign Trade (MFAFT), dated November 8, 2008:

(BEGIN TEXT OF JAMAICAN DIPLOMATIC NOTE)

Ref No.: 358/801/3)

The Ministry of Foreign Affairs and Foreign Trade presents its compliments to the Embassy of the United States of America and has the honour to acknowledge receipt of the Embassy's note No. 259/08 dated August 8, 2008 concerning a proposed arrangement between the Government of the United States of America and the Government of Jamaica on the deployment of Air Marshals of both countries.

The Ministry of Foreign Affairs and Foreign Trade has the further honour to agree to the proposed arrangements as follows:

Section 1

Purpose and Definitions

¶1. The purpose of this arrangement is to enhance the security of charter and regularly scheduled commercial combination flights between the territories of the Participants by providing a framework for the deployment of Air Marshals on such flights.

¶2. The Participants intend to carry out air marshal operations in a manner consistent with the provisions of the Convention on Offences and Certain Other Acts Committed On Board Aircraft ("Tokyo Convention"), the Convention for the Suppression of Unlawful Seizure of Aircraft ("The Hague Convention"), and the

Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation ("Montreal Convention").

13. For the purpose of this arrangement:

a. "Air Marshal" means a person who is employed, trained and accredited by the Government of the Sending State, to a standard acceptable to the Receiving State, to travel on an aircraft registered in the Sending State to provide security for that aircraft and its passengers and crew.

b. 'Participants' means the Governments of Jamaica and the United States of America.

c. 'Receiving State' means the State other than the Sending State whose government is the other Participant in this arrangement;

d. 'Sending State' means the State of registration of the aircraft.

Section 2

Scope of the Arrangement

11. This arrangement applies to aircraft that engage in charter and scheduled combination air services, that are registered in one Participant, and that operate between the territories of the Participants.

12. This arrangement will also apply to aircraft that engage in charter and scheduled combination air services between the territories of a Participant and a third state, and that are diverted to the territory of the other Participant.

Section 3

General Intentions of the Sending State

The Sending State expects to:

a) prior to the departure of a flight carrying its Air Marshals, ensure that the Air Marshals have the appropriate visa to enter the Receiving State;

b) prior to the departure of a flight carrying its Air Marshals, instruct the Air Marshals to declare all weapons and equipment to police and customs authorities in the Receiving State on landing and to comply with the customs laws of the Receiving State;

c) prior to the departure of the flight carrying its Air Marshals, advise the Receiving State of the identity of the Air Marshals on board the aircraft and the type and number of weapons and equipment that the Air Marshals will be carrying.

d) in the event of an incident on board the aircraft, advise the Receiving State as soon as the Sending State becomes aware of this incident; and

e) in the event of an incident on board the aircraft and the alleged offender(s) is (are) detained or arrested and not returned to the Sending State, ensure that the Air Marshals hand the offender(s) over to the Receiving State upon landing.

Section 4

General Intentions of the Receiving State

11. The Receiving State expects to:

- a. facilitate, in accordance with its laws, the admission into and departure from its territory of Air Marshals of the Sending State;
- b. permit, in accordance with its laws, the entry into and departure from its territory of the weapons and equipment of Air Marshals of the Sending State; and
- c. take delivery of any person or persons in the custody of Air Marshals of the Sending State upon arrival in the Receiving State.

Section 5

Operational Arrangements

11. This arrangement is to be implemented in accordance with operational procedures decided in writing between the Participants.

12. These operational procedures should be in accordance with the terms of this arrangement as set out ((SIC)) herein.

13. Neither Participant intends to disclose to third States or to any private person or entity the content of the operational procedures without the consent of the other Participant.

Section 6

Observance of Laws of Sending State by Air marshals ((SIC))

The Participants expect that, in the performance of their duties during the flight while in the Sending State, and from the point the doors of the aircraft are closed for takeoff, and until any external aircraft doors are open for disembarkation, Air Marshals operating under this arrangement will exercise their powers in accordance with the laws of the Sending State.

Section 7

Direction of Air Marshals

The Sending State is expected to direct the law enforcement activities of its Air Marshals that take place during the flight while in the Sending State and from the point the doors of the aircraft are closed for takeoff and until any external aircraft doors are open for disembarkation.

Section 8

Effective Date

These arrangements are expected to commence on a date to be determined in writing by the Participants by exchange of Diplomatic Notes.

If it is acceptable to the Government of the United States of America, the Ministry proposes that the arrangements herein commence on the date of this Note in reply.

The Ministry of Foreign Affairs and Foreign Trade avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

(END TEXT OF JAMAICAN DIPLOMATIC NOTE)

¶2. The text of the above note appears to differ from the text provided reftel (D) only in the following respects:

-- in Section 5.2, "set out" (rather than "set forth");

-- in the heading of Section 6, "Air marshals" (rather than "Air Marshals");

-- the addition of the final sentence regarding commencement.

Action Requested

¶3. Post requests that Department advise next steps to be taken.

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